

**House File 2481 - Introduced**

HOUSE FILE 2481  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 636)

**A BILL FOR**

1 An Act relating to judicial selection, including the nominees  
2 to the court of appeals, and the appointments, resignations,  
3 and residency requirements of district judges, district  
4 associate judges, associate juvenile judges, and associate  
5 probate judges.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 46.14, subsection 1, Code 2022, is  
2 amended to read as follows:

3 1. Each judicial nominating commission shall carefully  
4 consider the individuals available for judge, and within sixty  
5 days after receiving notice of a vacancy shall certify to the  
6 governor and the chief justice the proper number of nominees,  
7 in alphabetical order. Such nominees shall be chosen by the  
8 affirmative vote of a majority of the full statutory number  
9 of commissioners upon the basis of their qualifications and  
10 without regard to political affiliation. Nominees shall be  
11 members of the bar of Iowa, shall be residents of the state ~~or~~  
12 ~~district of the court to which they are nominated,~~ and shall  
13 be of such age that they will be able to serve an initial and  
14 one regular term of office to which they are nominated before  
15 reaching the age of seventy-two years. ~~Nominees for district~~  
16 ~~judge shall file a certified application form, to be provided~~  
17 ~~by the supreme court, with the chairperson of the district~~  
18 ~~judicial nominating commission.~~ Absence of a commissioner or  
19 vacancy upon the commission shall not invalidate a nomination.  
20 The chairperson of the commission shall promptly certify  
21 the names of the nominees, in alphabetical order, to the  
22 governor and the chief justice by sending by electronic mail  
23 the certification to the governor and chief justice or the  
24 governor's and chief justice's designees on the day of the  
25 nomination.

26 Sec. 2. Section 46.14A, Code 2022, is amended to read as  
27 follows:

28 **46.14A Court of appeals — nominees.**

29 Vacancies in the court of appeals shall be filled by  
30 appointment by the governor from a list of nominees submitted  
31 by the state judicial nominating commission. ~~Three~~ Five  
32 nominees shall be submitted for each vacancy. Nominees to the  
33 court of appeals shall have the qualifications prescribed for  
34 nominees to the supreme court.

35 Sec. 3. Section 602.2301, subsection 2, Code 2022, is

1 amended to read as follows:

2 2. Notwithstanding [sections 602.6304, 602.7103B](#), and  
3 633.20B, the chief justice may order ~~any county magistrate~~  
4 ~~appointing commission~~ the state commissioner of elections  
5 to delay, for budgetary reasons, ~~publicizing the notice the~~  
6 sending of a notification to the governor that a vacancy in  
7 the office of a vacancy for a district associate judgeship  
8 judge, associate juvenile judgeship judge, or associate probate  
9 judgeship judge has occurred or will occur.

10 Sec. 4. Section 602.6201, subsection 2, Code 2022, is  
11 amended to read as follows:

12 2. A district judge must be a resident of the judicial  
13 election district or a resident of a county contiguous with  
14 the judicial election district in which appointed and retained  
15 before assuming office and must be a resident of the judicial  
16 election district during the entire term of office. Subject  
17 to the provision for reassignment of judges under section  
18 602.6108, a district judge shall serve in the district of the  
19 judge's residence while in office, regardless of the number of  
20 judgeships to which the district is entitled under the formula  
21 prescribed by the supreme court in [subsection 3](#).

22 Sec. 5. Section 602.6302, subsection 2, Code 2022, is  
23 amended to read as follows:

24 2. An order of substitution shall not take effect unless  
25 a copy of the order is received by the chairperson of the  
26 county magistrate appointing commission or commissions and  
27 the governor no later than May 31 of the year in which the  
28 substitution is to take effect. A copy of the order shall also  
29 be sent to the state court administrator.

30 Sec. 6. Section 602.6303, subsection 2, Code 2022, is  
31 amended to read as follows:

32 2. An order of substitution shall not take effect unless  
33 a copy of the order is received by the chairperson of the  
34 county magistrate appointing commission or commissions and  
35 the governor no later than May 31 of the year in which the

1 substitution is to take effect. The order shall designate the  
2 county of appointment for each magistrate. A copy of the order  
3 shall also be sent to the state court administrator.

4 Sec. 7. Section 602.6304, Code 2022, is amended by striking  
5 the section and inserting in lieu thereof the following:

6 **602.6304 Appointment and resignation of district associate**  
7 **judges.**

8 1. The district associate judges authorized by sections  
9 602.6301 and 602.6302 shall be appointed by the governor  
10 from persons nominated by the district judicial nominating  
11 commission in the same manner as district judges under chapter  
12 46.

13 2. A district associate judge who seeks to resign from the  
14 office of district associate judge shall notify in writing the  
15 governor, the chief judge of the judicial district, and the  
16 state commissioner of elections as to the district associate  
17 judge's intention to resign and the effective date of the  
18 resignation.

19 3. When a vacancy occurs or will occur within one hundred  
20 twenty days in the office of the district associate judge, the  
21 state commissioner of elections shall forthwith so notify the  
22 governor. The governor shall call a meeting of the commission  
23 within ten days after such notice. If the governor fails to do  
24 so, the chief justice shall call such meeting.

25 Sec. 8. Section 602.6305, subsections 2 and 3, Code 2022,  
26 are amended to read as follows:

27 2. A person does not qualify for appointment to the office  
28 of district associate judge unless the person is at the time  
29 of appointment ~~a resident of the judicial election district in~~  
30 ~~which the vacancy exists,~~ licensed to practice law in Iowa,  
31 and will be able, measured by the person's age at the time of  
32 appointment, to complete the initial term of office prior to  
33 reaching age seventy-two. ~~An applicant for district associate~~  
34 ~~judge shall file a certified application form, to be provided~~  
35 ~~by the supreme court, with the chairperson of the county~~

1 ~~magistrate appointing commission.~~ A nominee to the office of  
2 district associate judge must reside in the judicial election  
3 district to which the nominee is nominated or in another  
4 judicial election district in the same judicial district as the  
5 judicial election district to which the nominee is nominated.

6 3. A district associate judge must be a resident of the  
7 judicial election district in which the office is held before  
8 assuming office and during the entire term of office. A  
9 district associate judge shall serve within the judicial  
10 district in which appointed, as directed by the chief judge,  
11 and is subject to reassignment under [section 602.6108](#).

12 Sec. 9. Section 602.6502, Code 2022, is amended to read as  
13 follows:

14 **602.6502 Prohibitions to appointment.**

15 A member of a county magistrate appointing commission  
16 shall not be appointed to the office of magistrate, ~~and shall~~  
17 ~~not be nominated for or appointed to the office of district~~  
18 ~~associate judge, office of associate juvenile judge, or office~~  
19 ~~of associate probate judge.~~ A member of the commission shall  
20 not be eligible to vote for the appointment or nomination of  
21 a family member, current law partner, or current business  
22 partner. For purposes of [this section](#), "*family member*"  
23 means a spouse, son, daughter, brother, sister, uncle, aunt,  
24 first cousin, nephew, niece, father-in-law, mother-in-law,  
25 son-in-law, daughter-in-law, brother-in-law, sister-in-law,  
26 father, mother, stepfather, stepmother, stepson, stepdaughter,  
27 stepbrother, stepsister, half brother, or half sister.

28 Sec. 10. Section 602.7103B, Code 2022, is amended by  
29 striking the section and inserting in lieu thereof the  
30 following:

31 **602.7103B Appointment and resignation of full-time associate**  
32 **juvenile judges.**

33 1. Full-time associate juvenile judges shall be appointed  
34 by the governor from persons nominated by the district judicial  
35 nominating commission in the same manner as district judges

1 under chapter 46.

2 2. A full-time associate juvenile judge who seeks to  
3 resign from the office of full-time associate juvenile judge  
4 shall notify in writing the governor, the chief judge of the  
5 judicial district, and the state commissioner of elections as  
6 to the full-time associate judge's intention to resign and the  
7 effective date of the resignation.

8 3. When a vacancy occurs or will occur within one hundred  
9 twenty days in the office of a full-time associate juvenile  
10 judge, the state commissioner of elections shall forthwith so  
11 notify the governor. The governor shall call a meeting of the  
12 commission within ten days after such notice. If the governor  
13 fails to do so, the chief justice shall call such meeting.

14 Sec. 11. Section 602.7103C, subsections 2 and 3, Code 2022,  
15 are amended to read as follows:

16 2. A person does not qualify for appointment to the office  
17 of full-time associate juvenile judge unless the person is  
18 at the time of appointment ~~a resident of the county in which~~  
19 ~~the vacancy exists,~~ licensed to practice law in Iowa, and  
20 will be able, measured by the person's age at the time of  
21 appointment, to complete the initial term of office prior to  
22 reaching age seventy-two. ~~An applicant for full-time associate~~  
23 ~~juvenile judge shall file a certified application form, to~~  
24 ~~be provided by the supreme court, with the chairperson of~~  
25 ~~the county magistrate appointing commission~~ A nominee to the  
26 office of full-time associate juvenile judge must reside in the  
27 judicial election district to which the nominee is nominated  
28 or in another judicial election district in the same judicial  
29 district as the judicial election district to which the nominee  
30 is nominated.

31 3. A full-time associate juvenile judge must be a resident  
32 of ~~a county~~ the judicial election district in which the office  
33 is held before assuming office and during the entire term of  
34 office. A full-time associate juvenile judge shall serve  
35 within the judicial district in which appointed, as directed by

1 the chief judge, and is subject to reassignment under section  
2 602.6108.

3 Sec. 12. Section 633.20B, Code 2022, is amended by striking  
4 the section and inserting in lieu thereof the following:

5 **633.20B Appointment and resignation of full-time associate**  
6 **probate judges.**

7 1. Full-time associate probate judges shall be appointed by  
8 the governor from persons nominated by the district judicial  
9 nominating commission in the same manner as district judges  
10 under chapter 46.

11 2. A full-time associate probate judge who seeks to resign  
12 from the office of full-time associate probate judge shall  
13 notify in writing the governor, the chief judge of the judicial  
14 district, and the state commissioner of elections as to the  
15 full-time associate probate judge's intention to resign and the  
16 effective date of the resignation.

17 3. When a vacancy occurs or will occur within one hundred  
18 twenty days in the office of a full-time associate probate  
19 judge, the state commissioner of elections shall forthwith so  
20 notify the governor. The governor shall call a meeting of the  
21 commission within ten days after such notice. If the governor  
22 fails to do so, the chief justice shall call such meeting.

23 Sec. 13. Section 633.20C, subsections 2 and 3, Code 2022,  
24 are amended to read as follows:

25 2. A person does not qualify for appointment to the office  
26 of full-time associate probate judge unless the person is at  
27 the time of appointment ~~a resident of the county in which~~  
28 ~~the vacancy exists,~~ licensed to practice law in Iowa, and  
29 will be able, measured by the person's age at the time of  
30 appointment, to complete the initial term of office prior to  
31 reaching age seventy-two. ~~An applicant for full-time associate~~  
32 ~~probate judge shall file a certified application form, to~~  
33 ~~be provided by the supreme court, with the chairperson of~~  
34 ~~the county magistrate appointing commission~~ A nominee to the  
35 office of full-time associate probate judge must reside in the

1 judicial election district to which the nominee is nominated  
2 or in another judicial election district in the same judicial  
3 district as the judicial election district to which the nominee  
4 is nominated.

5 3. A full-time associate probate judge must be a resident  
6 of ~~a county~~ the judicial election district in which the office  
7 is held before assuming office and during the entire term of  
8 office. A full-time associate probate judge shall serve within  
9 the judicial district in which appointed, as directed by the  
10 chief judge, and is subject to reassignment under section  
11 602.6108.

12 EXPLANATION

13 The inclusion of this explanation does not constitute agreement with  
14 the explanation's substance by the members of the general assembly.

15 This bill relates to judicial selection, including the  
16 nominees to the court of appeals, and the appointments,  
17 resignations, and residency requirements of district judges,  
18 district associate judges, associate juvenile judges, and  
19 associate probate judges.

20 Under current law, the nominees for district judge shall  
21 file a certified application that is to be provided to  
22 the supreme court. The bill provides that the nominees no  
23 longer are required to submit a certified application and the  
24 chairperson of the commission shall promptly send a certified  
25 list of nominees by electronic mail to the governor and chief  
26 justice of the supreme court or their designees on the day of  
27 the nomination.

28 Under current law, the state judicial nominating commission  
29 submits three nominees for a vacant court of appeals position.  
30 The bill provides that five nominees shall be submitted for  
31 each vacancy.

32 Under current law, a district judge, a full-time associate  
33 judge, a full-time associate juvenile judge, and a full-time  
34 associate probate judge must be a resident of the judicial  
35 election district in which appointed. The bill provides that

1 a district judge must be a resident of the judicial election  
2 district or a county contiguous with the judicial election  
3 district before assuming office and must be a resident of  
4 the judicial election office during the entire term. The  
5 bill provides that a full-time associate judge, a full-time  
6 associate juvenile judge, and a full-time associate probate  
7 judge must be a resident of the judicial election district  
8 before assuming office and during the entire term of office.

9 Under current law, district associate judges, full-time  
10 associate juvenile judges, and full-time associate probate  
11 judges are appointed by the district judges of the judicial  
12 election district from persons nominated by the county  
13 magistrate appointing commission. The bill provides that  
14 district associate judges, full-time associate juvenile judges,  
15 and full-time associate probate judges shall be appointed by  
16 the governor from persons nominated by the district judicial  
17 nominating commission in the same manner as district judges  
18 under Code chapter 46.

19 The bill provides that a district associate judge, full-time  
20 associate juvenile judge, or full-time associate probate judge  
21 who seeks to resign shall notify in writing the governor,  
22 chief judge of the judicial district, and state commissioner  
23 of elections as to the district associate judge's, associate  
24 full-time juvenile judge's, or associate full-time probate  
25 judge's intention to resign and the effective date of the  
26 resignation. When a vacancy occurs or will occur within 120  
27 days in the office of the district associate judge, associate  
28 full-time juvenile judge, and associate full-time probate  
29 judge, the state commissioner of elections shall notify the  
30 governor. The governor shall call a meeting of the commission  
31 within 10 days after such notice. If the governor fails to do  
32 so, the chief justice shall call such meeting.

33 The bill provides that a person does not qualify for  
34 appointment to the office of district associate judge,  
35 associate full-time juvenile judge, or associate full-time

1 probate judge unless the person is at the time of appointment  
2 licensed to practice law in Iowa, and will be able, measured  
3 by the person's age at the time of appointment, to complete  
4 the initial term of office prior to reaching age 72. Nominees  
5 must reside in the judicial election district to which they are  
6 nominated or in another judicial election district in the same  
7 judicial district as the judicial election district to which  
8 they are nominated.

9 Under current law, a member of a county magistrate  
10 appointing commission shall not be appointed to the office  
11 of magistrate, district associate judge, office of associate  
12 juvenile judge, or office of associate probate judge. The  
13 bill provides that a member of a county magistrate appointing  
14 commission shall not be appointed to the office of magistrate  
15 but may be nominated for or appointed to the office of district  
16 associate judge, office of associate juvenile judge, or office  
17 of associate probate judge.